

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 40

September 25, 2003

SUBJECT: PROCESSING EVIDENCE SEIZED DURING SERVICE OF A SEARCH WARRANT - REVISED

PURPOSE: This Order revises the procedure for reporting the seizure of "third party" documents such as real estate documents, or telephone and Internet service provider records, during the service of a search warrant. These types of documents are copies of original records and should be kept in an investigator's case file rather than being booked as evidence.

PROCEDURE:

PROCESSING EVIDENCE SEIZED DURING THE SERVICE OF A SEARCH WARRANT. In addition to current procedure regarding the processing of evidence seized during the service of a search warrant, the following exceptions shall apply:

Exception: An employee seizing copies of bank records or other documents obtained from a "third party" source (i.e., real estate documents, telephone and Internet service provider records) may use the Follow-up Investigation Report, Form 3.14, as the inventory attachment when the copies are to be retained in the investigator's case file. The Form 3.14 shall contain the following information:

- * Search Warrant number;
- * Date issued;
- * Name of judge issuing;
- * Court number;
- * Item seized; and,
- * The following statement:

"The copies of the records seized pursuant to this warrant and described above may be retained by the investigating officer. The investigating officer may dispose of the copies upon disposition of the case and expiration of the time limit for notice of appeal if no appeal is made."

Note: Both "listed" and "unlisted" items seized during the service of a search warrant require a Court Order for Search Warrant Property, Form 10.18, authorizing disposition, Department Manual Section 4/565.20.

AMENDMENTS: This Order amends Section 4/540.90 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Detective Bureau, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

WILLIAM J. BRATTON
Chief of Police

DISTRIBUTION "A"